

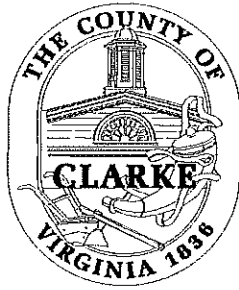
BERRYVILLE AREA DEVELOPMENT AUTHORITY

AGENDA

Wednesday, May 4, 2016 -- 7:00pm

**Berryville – Clarke County Government Center Main Meeting Room
101 Chalmers Court – Berryville, Virginia**

- 1. Call to Order – Allen Kitselman, Chairman**
- 2. Approval of Agenda**
- 3. Approval of Minutes – January 20, 2016**
- 4. Review – Robert Regan House Preliminary Site Plan**
- 5. Other Business**
- 6. Adjourn**



BERRYVILLE AREA DEVELOPMENT AUTHORITY

DRAFT MINUTES - CALLED MEETING

Wednesday, January 20, 2016

Regular Meeting 7:00pm

**Berryville-Clarke County Government Center – Main Meeting Room
101 Chalmers Court – Berryville, Virginia**

A called meeting of the Berryville Area Development Authority (BADA) was held on Wednesday, January 20, 2016. Staff called the meeting to order at 7:02 pm.

ATTENDANCE

Authority members present: Allen Kitselman, Chair; Wingate Mackay-Smith, Vice Chair; Kathy Smart; Frank Lee; George L. Ohrstrom, II; Warren Dilandro

Authority members absent: none

Staff present: Christy Dunkle, Berryville Assistant Town Manager; Brandon Stidham, County Planning Director

ELECTION OF OFFICERS

The Authority voted to retain Allen Kitselman and Wingate Mackay-Smith as Chair and Vice Chair, respectively.

Yes: Ohrstrom (moved), Dilandro (seconded), Kitselman, Lee, Mackay-Smith, Smart

No: No one

Absent/Not Voting: No one

APPROVAL OF AGENDA

The Authority voted to approve the agenda as presented.

Yes: Ohrstrom (moved), Smart (seconded), Dilandro, Kitselman, Lee, Mackay-Smith, Smart

No: No one

Absent/Not Voting: No one

APPROVAL OF MINUTES

Mr. Ohrstrom said his name was misspelled in one location. The Authority voted to approve the minutes of the December 16, 2015 minutes as amended.

Yes: Lee (moved), Dilandro (seconded), Kitselman, Lee, Ohrstrom, Mackay-Smith, Smart

No: No one

Absent/Not Voting: No one

PUBLIC HEARING – FINAL DRAFT OF REVISED BERRYVILLE AREA PLAN

Chairman Kitselman acknowledged Alton Echols, 400 Custer Court, Berryville. Mr. Echols said there is a need for multifamily housing in the community. He referenced the lack of townhouse development and affordability concerns. He said Berryville needs additional tax base and recommended development near the hardware store on East Main Street. He said economic development issues should be referenced in the Plan. Mr. Echols said it is illegal to restrict senior and multifamily development in a Plan. He said he spoke to state senators and delegates, all of whom offered to jointly propose statewide codes concerning senior housing.

Chairman Kitselman acknowledged Alton Echols, House of Lords, 400 Custer Court, Berryville. Mr. Echols said the Plan cannot require a Chamberlain Street connection to the Byrd property and that Mr. Wang, a property owner on McNeil, cannot be required to do so. He referenced a court case in Winchester involving the construction of Route 37. He concluded by saying requiring offsite access is arbitrary and capricious. Mr. Echols said that a gas and convenience store and fast food business would generate \$100,000 and \$80,000 in taxes, respectively. He said the Plan did not contain any commercial economic development information. He again referenced development potential on the property where the hardware store is located.

Chairman Kitselman recognized Anne Caldwell, 400 Riverview Farm Lane, Bluemont. She commended BADA members and staff for their work on the Berryville Area Plan revisions and update. She said she read the document from the perspective of knowing nothing about Berryville and recommended adding some maps to the document. She suggested including a critical environmental features map that would identify streams, floodplains, slopes and other natural features. She said adding this type of map would enable a reader to understand why sub-areas and land use applications were determined. Ms. Caldwell said a street map would also be helpful as the Plan references a number of streets. She added the identification of streets with sidewalks would also enhance the walkability effort.

There being no other speakers, Chairman Kitselman asked for a motion to close the public hearing. Mr. Ohrstrom made the motion, seconded by Mr. Lee, the public hearing was closed.

Mr. Lee said good points were brought up at the public hearing. There was a discussion on whether to take action on the Plan at this meeting. Mr. Lee suggested adding the maps referenced by Ms. Caldwell to the document prior to forwarding the document to Town Council and the Board of Supervisors. Mr. Dilandro recommended forwarding the Plan to the governing bodies as there are no massive changes to the document. He added comments were concerning zoning and not the Plan itself. Mr. Ohrstrom recommended moving the Plan forward to the Council and Board as the document had been appropriately reviewed. There was a discussion about economic development language. Mr. Ohrstrom asked whether economic development was the responsibility of the BADA. Mr. Stidham replied that the County's Economic Development Strategic Plan was developed by the County Planning Commission and was handed off to the governing bodies for implementation through their respective economic development programs. Ms. Mackay-Smith recommended adding the maps identified by Ms. Caldwell to the document. Ms. Smart recommended forwarding the Plan to elected officials. There being no further comments, Mr. Ohrstrom made the motion to recommend Plan approval to the Berryville Town Council and the Clarke County Board of Supervisors, seconded by Ms. Smart, the motion passed by voice vote.

Yes: Ohrstrom (moved), Dilandro, Kitselman, Lee, Mackay-Smith, Smart (seconded)

No: No one

Absent/Not Voting: No one

OTHER BUSINESS

Mr. Stidham asked members if they wanted to cancel their regular meeting scheduled for January 27, 2016. Mr. Ohrstrom made the motion, seconded by Mr. Lee, to cancel the January 27, 2016 meeting. The motion passed by voice vote.

Yes: Ohrstrom (moved), Dilandro, Kitselman, Lee (seconded), Mackay-Smith, Smart

No: No one

Absent/Not Voting: No one

ADJOURN

There being no further business, Chairman Kitselman asked for a motion to adjourn. Mr. Dilandro moved, seconded by Mr. Ohrstrom, to adjourn the meeting. The motion passed by voice vote and the meeting was adjourned at 7:44p.m.

Allen Kitselman, Chair

Christy Dunkle, Clerk

Alton Echols, Jr. (Agent and Owner) is requesting approval of a Preliminary Site Development Plan as part of a Special Use Permit application in order to construct a 60-unit multifamily age- and income-restricted development on a portion of the property identified as Tax Map Parcel number 14-5-251B zoned Older Person Residential (OPR). PSP 01-16

Mr. Echols has submitted a Special Use Permit application for consideration. Section 503.3 of the Berryville Zoning Ordinance requires that a site plan be submitted as part of the application. This preliminary site plan identifies a 60-unit development as well as 44 quadplex units. The latter is a use permitted by right under Section 614.2(c) of the Berryville Zoning Ordinance and is not a part of the Special Use Permit application.

The Planning Commission will be holding a public hearing on the matter at their May 22, 2016 meeting. Engineering and general reviews have been submitted to the applicant's engineer (included in this packet). No comment response letters have been received from the applicant's engineer.

2009 Special Use Permit Submission

Alton Echols, Jr. has applied for a Special Use Permit in order to construct a 60-unit multifamily senior development under Section 614.3(c) of the Berryville Zoning Ordinance on two previous occasions. The first, in 2009, also included the rezoning of the property. A synopsis of relevant items from the August 11, 2009 Town Council minutes (included in this packet) concerning the submission include:

- A proffer statement for both a Rezoning and a Special Use Permit was submitted by the applicant. Proffer statement requirements include substantial conformance to the preliminary site plan; no real estate tax exemptions would be sought by the owner or applicant (Mr. Echols as Trustee of the Battlefield Center Trust and Virginia United Methodist Housing Development Corp, respectively); \$1,250 per unit in cash proffers would be paid to the Town for fire and rescue purposes prior to the issuance of a building permit for multifamily development on the property; and a reversion to previous zoning (B Business and DR-4 Detached Residential) may occur by motion of Town Council if a building permit had not been obtained by the applicant before August 30, 2011. This action did not occur.
- Conditions to the Special Use Permit identified in the approval include a number of transportation issues which have now been resolved including the acceptance of McClellan Street and a portion of Chamberlain Street into the public secondary street system; and the requirement that a final site plan be reviewed and approved by the BADA in accordance with the conditions set.

The BADA held a public hearing on this preliminary site plan.

2013 Special Use Permit Submission

Mr. Echols submitted a second request for a Special Use Permit for a 60-unit multifamily age- and income-restricted development in 2013. Eleven conditions were identified as part of the approval including a maximum of 60-units as permitted by zoning regulations; a number of transportation-related requirements in order to complete public roads and access to the proposed development; and that the previous 2009 SUP be revoked with the approval of this request.

Preliminary site plan discussion by the BADA included the applicant's request to a waiver of requirements to construct curb, gutter and sidewalk facilities which was ultimately denied. The BADA did not hold a public hearing on this matter.

A third application was submitted for a 120-unit development which was withdrawn by the property owner at the March, 2016 Town Council meeting.

Final site plans for the three submissions referenced above were never submitted.

Current Preliminary Site Plan Request

The current application includes 44 quadplex units which are permitted by right and a 60-unit age- and income-restricted development. Per previous SUP submittals, the building department and emergency services have requested two points of access to the 60-unit facility. A previous preliminary site plan showed a fire access road around the building with access to Mosby Boulevard. While a second access on the western portion of this site and on the adjacent site has been identified, additional information is needed to determine how this access would be accomplished if the adjacent property does not develop as shown. One of the conditions recommended below is to require the second access be in place prior to issuing a Certificate of Occupancy for the Robert Regan House.

Other items requested in the initial review letters by staff and Pennoni Engineering include:

- Identification of water and sanitary sewer mains, street widths, parking lot dimensions, pedestrian facilities, and street lights;
- A storm water management narrative concerning the entire site;
- A calculation confirming that at least 25% of the site area is in landscaped open space per Section 614.11 of the Berryville Zoning Ordinance; and
- A request for proposed phasing of the project.

SUP Conditions

Many of the conditions placed on the previous two approvals relate to streets around the proposed development. McClellan Street and a portion of Chamberlain Street are now in the Town's public street system.

Following are conditions related to the preliminary site plan that should be considered as a part of the SUP approval:

- The second access to the parcel shown on the preliminary site plan shall be identified whether or not the proposed assisted living development is constructed

on the adjacent parcel to the west (Tax Map Parcel number 14A7-((14))-1). This access shall be in place prior to the issuance of a Certificate of Occupancy.

- Storm water management facilities shall conform to state and local regulations and requisite permitting.
- The final site plan shall be in substantial conformance with the preliminary site plan approved with the Special Use Permit.
- The site plan conforms to all zoning regulations as set forth in the Town of Berryville Zoning Ordinance.

Discussion at the meeting should include any additional conditions that Authority members may consider.

The following items follow this report:

- Preliminary Site Plan for the Robert Regan House;
- Land Development Application for the Special Use Permit;
- Letter from Jon Erickson, engineer on the project dated April 11, 2016;
- Initial review comments from Town staff dated April 15, 2016;
- Preliminary Site Plan review from Pennoni Engineers dated April 18, 2016;
- Section 614 Older Person Residential (OPR) District from the Berryville Zoning Ordinance;
- Section 503 Special Use Permit;
- Matrix created by the Town's attorney explaining the process with Berryville Administrative and Governing bodies' actions in the Annexation Area; and
- Relevant portions of the minutes from the August 11, 2009 and May 14, 2013 Town Council meetings.

Recommendation

Discuss at the meeting. A public hearing is not required however the BADA may choose to schedule one for the May 25, 2016 meeting. The BADA will review the final site plan for conformance to respective regulations.

LAND DEVELOPMENT APPLICATION TOWN OF BERRYVILLE

(Please print or type)

Current Property Owner A.C. ECHOLS JR.
Owner's Address 400 CUSTER COURT BERRYVILLE VA.
Phone 540-955-2618
Agent (Contact Person) ALTON ECHOLS
Agent's Address SAME AS ABOVE
Phone 540-955-2618

Check Appropriate Request:

☐ Subdivision - creating more than 2 lots
☐ Minor Subdivision - single lot divided into 2 lots
☐ Boundary Line Adjustment
☐ Site Plan
☐ Rezoning
☐ Text Amendment: _____ Zoning or _____ Subdivision Ordinance
☐ ARB Certificate of Appropriateness
☐ Town of Berryville Utilities
☒ Other: SPECIAL USE PERMIT



Complete As Applicable:

Nature of Request/Proposal: SUP for 60 UNIT MULTIFAMILY
Tax Map & Parcel Number(s): 14-5-251B
Size of Project Site: 10.98 AC
Proposed # of Lots: 1 Existing Zoning OPR

Owner or Agent: The information provided is accurate to the best of my knowledge. I understand that the Town may deny, approve, or conditionally approve the request for which I am applying. I certify that all property corners have been clearly staked and flagged.

Signature: A.C. Echols Jr. - Trustee Date: 3/30/16

Owner: I have read this completed application, understand its intent, and freely consent to its filing. Furthermore, I grant permission to the Town Planning Department and other government agents to enter the property and make such investigations and tests, as they deem necessary. I acknowledge that in accordance with Article X of the Subdivision Ordinance I am responsible for costs incurred for review of subdivision and/or development plans by the Town's engineer and that any other required tests or studies will be carried out at owner/agent expense.

Signature: CHAC S. [Signature] - Trustee Date: 3/30/16

OFFICE USE ONLY

Public Hearing Required? _____ Dates Advertised _____

Adjoining Property Owners Notified? _____

Action Taken: _____

ROBERT REGAN VILLAGE

SPECIAL USE PERMIT/PRELIMINARY SITE PLAN

TOWN OF BERRYVILLE, VIRGINIA

GENERAL NOTES

1. THE PROPERTY DELINEATED HEREON IS LOCATED ON CLARK COUNTY TAX MAP #14-3-2816.
2. TOPOGRAPHY SHOWN HEREON IS BASED ON A FIELD SURVEY PERFORMED BY MORRIS & RITCHIE ASSOCIATES, INC. IN JANUARY 2013. HORIZONTAL DATA IS BASED ON NAD 83 AND VERTICAL DATA IS BASED ON NAVD 83.
3. EROSION AND SEDIMENT CONTROL MEASURES SHALL BE PROVIDED IN ACCORDANCE WITH THE "MICHIGAN EROSION AND SEDIMENT CONTROL HANDBOOK" AND THE TOWN OF BERRYVILLE EROSION AND SEDIMENT CONTROL ORDINANCE.
4. THE APPROVAL OF THESE PLANS SHALL IN NO WAY RELIEVE THE DEVELOPER OR HIS AGENT OF ANY LEGAL OBLIGATION OR LIABILITY THAT MAY BE IMPOSED BY THE TOWN OF BERRYVILLE OR ANY OTHER JURISDICTION ENJOINED BY THE TOWN OF BERRYVILLE.
5. ALL UNDERGROUND UTILITIES WITHIN STREET RIGHT-OF-WAYS SHALL BE INSTALLED TO THE REQUIRED DEPTH AND SHALL BE PROTECTED BY A MINIMUM 18" CONCRETE CURB AND GUTTER, OR EQUIVALENT, ON BOTH SIDES OF THE STREET.
6. CONTRACTORS SHALL ARRANGE FOR THE LOCATION OF ALL UNDERGROUND FACILITIES PRIOR TO THE CONSTRUCTION INCLUDING TEST HOLES TO PHYSICALLY LOCATE UNDERGROUND UTILITIES AS NECESSARY.
7. THESE PLANS MAKE NO REPRESENTATION AS TO SUBSURFACE CONDITIONS AND THE PRESENCE OF SUBSURFACE WATER OR THE NEED FOR SUBSURFACE DRAINAGE FACILITIES.
8. THE HORIZONTAL AND VERTICAL LOCATIONS OF ALL EXISTING UTILITIES, AS SHOWN HEREON, ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY DATA. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION. ANY DISCREPANCIES SHALL BE REPORTED TO MORRIS & RITCHIE ASSOCIATES, INC. PRIOR TO COMMENCING CONSTRUCTION.
9. IN ORDER TO DETERMINE THE EXACT HORIZONTAL AND VERTICAL LOCATION OF A GIVEN UTILITY AND TO PREVENT DAMAGE TO EXISTING UTILITIES, THE CONTRACTOR SHALL BE RESPONSIBLE FOR EXCAVATING TEST PITS AS NECESSARY TO VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION. THESE NOTATIONS ARE NOT INTENDED TO BE ALL INCLUSIVE AND THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION. ANY DISCREPANCIES SHALL BE REPORTED TO MORRIS & RITCHIE ASSOCIATES, INC. PRIOR TO COMMENCING CONSTRUCTION.
10. APPROVAL OF THIS PLAN DOES NOT GRANT APPROVAL TO RELOCATE OR OBTAIN PROPERTY.
11. WATER AND SANITARY SEWER UTILITIES SHALL BE INSTALLED IN CONFORMANCE TO THE TOWN OF BERRYVILLE, VIRGINIA, LOCAL, STATE, & FEDERAL REQUIREMENTS.
12. THE APPROVAL OF THESE PLANS SHALL NOT RELIEVE THE OWNER OF COMPLIING WITH OTHER APPLICABLE LOCAL, STATE, & FEDERAL REQUIREMENTS.
13. DURING ALL CONSTRUCTION STAGES, ACCESS FOR FIRE AND RESCUE VEHICLES AND ADEQUATE STANDBY STAGING WILL BE PROVIDED. THIS COMMITMENT DOES NOT RELIEVE THE OWNERS FROM COMPLYING WITH ALL OTHER LOCAL REQUIREMENTS RELATING TO FIRE AND RESCUE ACCESS AND STAGING.
14. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE TOWN OF BERRYVILLE, VIRGINIA, ORDINANCES TO THE TOWN OF BERRYVILLE.
15. NECESSARY PRECAUTIONS SHALL BE TAKEN BY THE CONTRACTOR TO PROTECT EXISTING SERVICES AND MAINTAIN AND ANY DAMAGE TO THEM DUE TO HIS NEGLIGENCE SHALL BE REPAIRED IMMEDIATELY AT HIS OWN EXPENSE.
16. THE CONTRACTOR SHALL NOTE THAT IN CASE OF A DISCREPANCY BETWEEN THE SCALED AND THE FIGURED DIMENSIONS SHOWN ON THESE PLANS, THE FIGURED DIMENSIONS SHALL GOVERN.
17. IT SHALL BE DEEMED UNDERSTOOD THAT FAILURE TO MENTION SPECIFICALLY ANY WORK WHICH WOULD BE REQUIRED FOR THE PROPOSED PROJECT SHALL NOT RELIEVE THE CONTRACTOR OF HIS RESPONSIBILITY TO PERFORM SUCH WORK.
18. CONTRACTOR IS SOLELY RESPONSIBLE FOR CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES, PROCEDURES, AND SAFETY PRECAUTIONS AND PROGRAMS.
19. THE CONTRACTOR SHALL NOTIFY THE FOLLOWING AGENCIES AT LEAST (5) FIVE WORKING DAYS BEFORE COMMENCING CONSTRUCTION:
 - A. MISS VIRGINIA 811
 - B. MISS VIRGINIA 811
20. ALL REFERENCES TO TAMPED FILL WITHIN THIS PLAN SET THAT REFER TO ASTM DESIGNATION T-150 METHOD-C AND/OR ASTM D-1557 SHALL BE COMPLETED TO A MINIMUM DENSITY OF 95% IN ACCORDANCE WITH THE TOWN OF BERRYVILLE, VIRGINIA, LOCAL, STATE, & FEDERAL REQUIREMENTS. ALL CONSTRUCTION MUST COMPLY WITH SECTION 2-307.
21. THIS PROJECT IS SERVED BY PUBLIC WATER AND SEWER.
22. CONTRACTOR SHALL VERIFY TO HIS SATISFACTION, THE FINAL EXISTING DIMENSIONS PRIOR TO COMMENCEMENT OF SITE WORK. THE TOWN OF BERRYVILLE, VIRGINIA, DOES NOT GUARANTEE THAT ON SITE SCALES WILL BE SUFFICIENT FOR STRUCTURAL, FULL SCALE, OR CONSTRUCTION PURPOSES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE ACTUAL EXISTING DIMENSIONS DURING CONSTRUCTION.
23. ALL SPOT ELEVATIONS ALONG PROPOSED CURB AND GUTTER ARE TOP OF CURB ELEVATIONS UNLESS OTHERWISE NOTED.
24. ALL STORM DRAIN PIPE LESS THAN AND INCLUDING 12" IN SIZE SHALL BE PVC SCHEDULE 40 OR SDR-35, 15' MAXIMUM SPAN. ALL STORM DRAIN PIPE LARGER THAN 12" SHALL BE HOPE (ASTM A-12), CLASS II, RCP, OR ALUMINUM STEEL, TYPE-2.
25. WATER AND SANITARY SEWER SHALL BE INSTALLED PER THE TOWN OF BERRYVILLE WATER & SEWER CONSTRUCTION STANDARDS & SPECIFICATIONS.
26. IF ANY ARCHEOLOGICAL, HISTORIC RESOURCES OR CEMETERIES ARE DISCOVERED DURING EXCAVATION, THE CONTRACTOR SHALL STOP WORK IMMEDIATELY AND NOTIFY THE TOWN OF BERRYVILLE, VIRGINIA, IMMEDIATELY. BERRYVILLE AND MORRIS & RITCHIE ASSOCIATES, INC. MAY FURNISH WORK IN THE AREA SHALL BE PERMITTED UNTIL RELEASED BY THE TOWN OF BERRYVILLE AND MORRIS & RITCHIE ASSOCIATES, INC.
27. ANY MOVEMENT DRAINAGE THAT WILL BE LIT MUST BE REVIEWED AND APPROVED BY THE TOWN OF BERRYVILLE PRIOR TO INSTALLATION.

Index Table	
Sheet Number	Sheet Title
1	COVER
2	CONCEPT PLAN
3	CONTEXT PLAN
4	ELEVATIONS

SITE DATA

ZONING: OPL- OLDER PERSON RESIDENTIAL
PROPOSED USE: MULTIFAMILY 1 - GROUND FLOOR
CURRENT USE: VACANT

PLANNED ZONE: THE ZONING MAPS TO BE OFFERED FOR YOUR FLOOR PLAN AS SHOWN ON PLANS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 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DATE	BY	REVISIONS
02/19/16	MR	REVISED TO 60 UNIT MULTI-FAMILY
03/30/16	MR	TOWN COMMENTS
09/15/16	MR	CLIENT COMMENTS
02/19/16	MR	REVISED TO 60 UNIT MULTI-FAMILY

CONCEPT PLAN
ROBERT REAGAN VILLAGE
TOWN OF BERRYVILLE, VIRGINIA



MORRIS & RITCHIE ASSOCIATES, INC.
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DATE	REVISIONS
03/30/16	REVISED TO 60 UNIT MULTI-FAMILY
09/15/16	TOWN COMMENTS
02/19/16	CLIENT COMMENTS
02/19/16	REVISED TO 60 UNIT MULTI-FAMILY

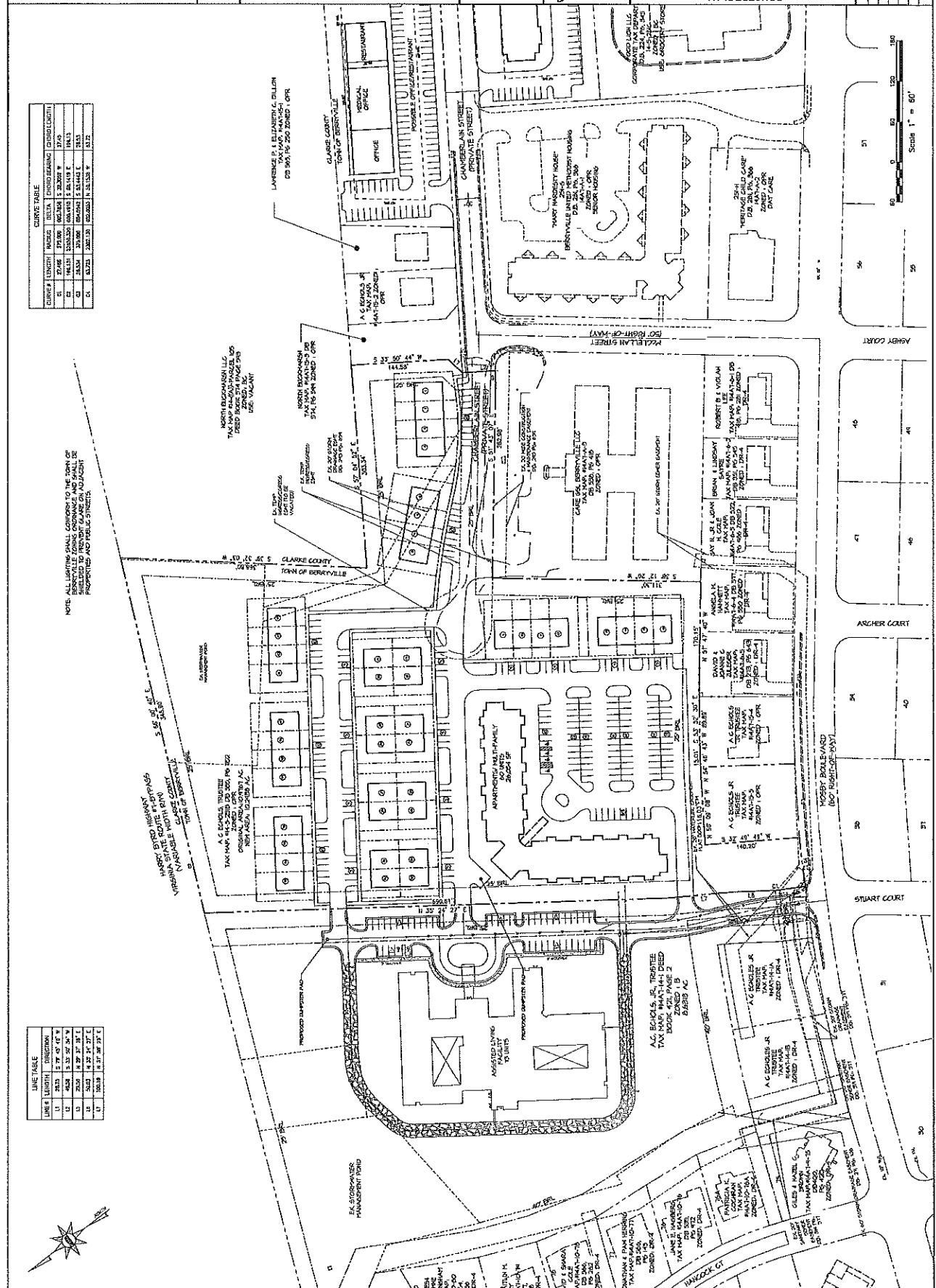
CURVE TABLE

CURVE #	LENGTH	INCHES	FEET	CHORD BEARING	CHORD LENGTH
1	27.48	27.48	100.00	S 20.00° E	27.48
2	146.15	146.15	500.00	S 89.00° E	146.15
3	83.20	83.20	300.00	S 10.00° E	83.20

NOTE: ALL LIVING SHALL CONFORM TO THE TOWN OF BERRYVILLE ZONING ORDINANCE AND SHALL BE SUBMITTED TO PROVIDE GLANCE ON ADJACENT PROPERTIES AND TRAIL STREET.

LINE TABLE

LINE #	LENGTH	DIRECTION
1	24.50	S 77° 45' E
2	24.50	S 77° 45' E
3	24.50	S 77° 45' E
4	24.50	S 77° 45' E
5	24.50	S 77° 45' E
6	24.50	S 77° 45' E
7	24.50	S 77° 45' E
8	24.50	S 77° 45' E
9	24.50	S 77° 45' E
10	24.50	S 77° 45' E
11	24.50	S 77° 45' E
12	24.50	S 77° 45' E
13	24.50	S 77° 45' E
14	24.50	S 77° 45' E
15	24.50	S 77° 45' E
16	24.50	S 77° 45' E
17	24.50	S 77° 45' E
18	24.50	S 77° 45' E
19	24.50	S 77° 45' E
20	24.50	S 77° 45' E
21	24.50	S 77° 45' E
22	24.50	S 77° 45' E
23	24.50	S 77° 45' E
24	24.50	S 77° 45' E
25	24.50	S 77° 45' E
26	24.50	S 77° 45' E
27	24.50	S 77° 45' E
28	24.50	S 77° 45' E
29	24.50	S 77° 45' E
30	24.50	S 77° 45' E
31	24.50	S 77° 45' E
32	24.50	S 77° 45' E
33	24.50	S 77° 45' E
34	24.50	S 77° 45' E
35	24.50	S 77° 45' E
36	24.50	S 77° 45' E
37	24.50	S 77° 45' E
38	24.50	S 77° 45' E
39	24.50	S 77° 45' E
40	24.50	S 77° 45' E
41	24.50	S 77° 45' E
42	24.50	S 77° 45' E
43	24.50	S 77° 45' E
44	24.50	S 77° 45' E
45	24.50	S 77° 45' E
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47	24.50	S 77° 45' E
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51	24.50	S 77° 45' E
52	24.50	S 77° 45' E
53	24.50	S 77° 45' E
54	24.50	S 77° 45' E
55	24.50	S 77° 45' E
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65	24.50	S 77° 45' E
66	24.50	S 77° 45' E
67	24.50	S 77° 45' E
68	24.50	S 77° 45' E
69	24.50	S 77° 45' E
70	24.50	S 77° 45' E
71	24.50	S 77° 45' E
72	24.50	S 77° 45' E
73	24.50	S 77° 45' E
74	24.50	S 77° 45' E
75	24.50	S 77° 45' E
76	24.50	S 77° 45' E
77	24.50	S 77° 45' E
78	24.50	S 77° 45' E
79	24.50	S 77° 45' E
80	24.50	S 77° 45' E
81	24.50	S 77° 45' E
82	24.50	S 77° 45' E
83	24.50	S 77° 45' E
84	24.50	S 77° 45' E
85	24.50	S 77° 45' E
86	24.50	S 77° 45' E
87	24.50	S 77° 45' E
88	24.50	S 77° 45' E
89	24.50	S 77° 45' E
90	24.50	S 77° 45' E
91	24.50	S 77° 45' E
92	24.50	S 77° 45' E
93	24.50	S 77° 45' E
94	24.50	S 77° 45' E
95	24.50	S 77° 45' E
96	24.50	S 77° 45' E
97	24.50	S 77° 45' E
98	24.50	S 77° 45' E
99	24.50	S 77° 45' E
100	24.50	S 77° 45' E



DATE: 7/27/15
DRAWN BY: JET
CHECKED BY: JET
PROJECT BY: JET
APP. NO.: 00770003

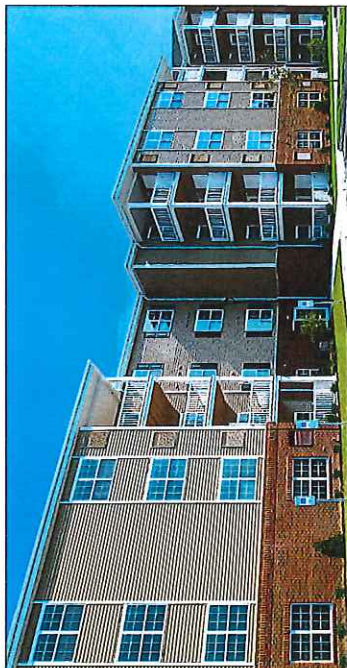
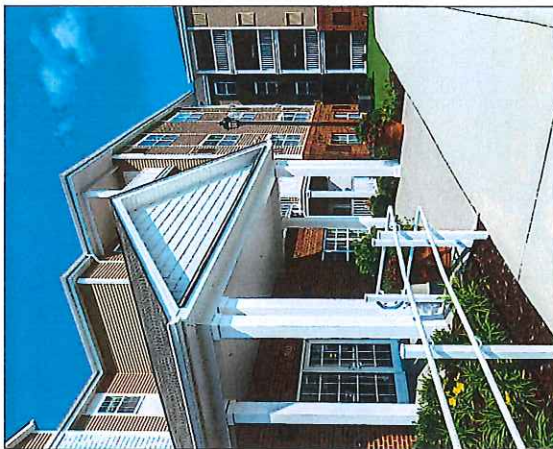
ELEVATIONS
ROBERT REGAN VILLAGE
TOWN OF BERRYVILLE, VIRGINIA



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ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
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MRA@AOL.COM
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DATE	9/1/15
REVISIONS	TOWN COMMENTS
	02/19/16 CLIENT COMMENTS
	03/30/16 REVISED TO 60 UNIT MULTI-FAMILY

NOTES:
1. ELEVATIONS SHOWN ARE FROM A SIMILAR BUILDING
2. PROPOSED BUILDING MATERIALS HAVE NOT YET BEEN STORED
3. ELEVATIONS ARE CONCEPTUAL AND MAY CHANGE



MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS



April 11, 2016

Town of Berryville
101 Chalmers Court, Suite A
Berryville, VA 22611

Attention: Christy Dunkle, Assistant Town Manager

Subject: Robert Regan Village SUP/Preliminary Site Plan

Ms. Dunkle,

Please find attached to this letter a revised SUP/Preliminary site plan application. This revision addresses the comments we received over the course of the last year while processing a Zoning Text Amendment and a Comprehensive Plan Amendment to raise the number of allowable Older Person Residential multifamily family units from 60 to 120. The attached plan reduces the number of multi-family units from 120 to 60. Additionally, we have added 44 by-right quadraplex units to the plan in an effort to diversify the type of housing on the site. Some of the quadraplex units have oriented in such a fashion as they will look like townhouses to further diversify the look of the residential.

Chamberlain Street has been realigned to work better with our layout and is being proposed as a private street from its intersection with McClellan through the site and into the adjoining proposed Assisted Care Facility. We are proposing the sharing of a commercial entrance from Mosby for both the Assisted Care and the revised Robert Regan Village. An ingress/egress easement shall be placed over the street and commercial entrance to allow Greenfield Assisted Care to continue to have access to the street along with emergency services. Maintenance and snow removal shall be provided by the end user of the development in conjunction with the proposed assisted care facility.

Water will loop through the property from Chamberlain Street to the existing line in Mosby Boulevard again serving both proposed uses. Sewer will be extended from the existing manhole in Mosby and the existing manhole at the intersection McClellan and Chamberlain to serve both uses.

43760 Trade Center Place, Suite 110, Sterling, VA 20166 (703) 674-0161 Fax: (703) 478-0137 www.mragta.com

Robert Regan Village
April 11, 2016
Page 2 of 2

Stormwater management will be handled by reconfiguring the existing facility in the northeast corner of the project and extending it to the west. Additional small facilities will be interspersed throughout the site to meet the new Virginia Runoff Reduction Method for storm water.

Thanks for your continued assistance with this matter. If you have any questions, please do not hesitate to contact me at 703-674-0161 or via email jerickson@mrakta.com.

Sincerely,

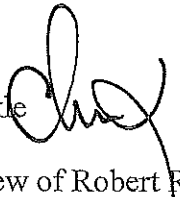
Jon K. Erickson, PE, LS
Associate

43760 Trade Center Place, Suite 110, Sterling, VA 20166 (703) 674-0161 Fax: (703) 478-0137 www.mragta.com

Abingdon, MD ♦ Baltimore, MD ♦ Laurel, MD ♦ Towson, MD ♦ Georgetown, DE ♦ New Castle, DE ♦ Sterling, VA ♦ Raleigh, NC ♦
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TOWN OF BERRYVILLE
Department of Planning & Zoning
101 Chalmers Court, Suite A * Berryville, Virginia 22611
[T] 540/955-4081 [F] 540/955-4524
[E] planner@berryvilleva.gov

Memo

DATE: April 15, 2016
TO: Jon Erickson
CC: file
FROM: Christy Dunkle 
RE: Cursory review of Robert Regan SUP

Jon-

Following are cursory comments on the SUP submittal for the Robert Regan House that were submitted on March 30, 2016:

1. Please identify water and sanitary sewer mains and proposed street lights.
2. Please identify access easement and information on timing of development of both this parcel, the adjacent parcel to the west (14A7-((14))-1), and the access to the Regan facility if the adjacent development is not concurrent with this development.
3. Please submit a narrative for storm water management of this site that includes the proposed quadraplex development.
4. Section 614.11 requires that at least 25% off the gross site area be landscaped open space. While the planting plan can be submitted with the final site plan, please identify and calculate the open space requirement.
5. Please clarify the access from Chamberlain on the east into the development.

April 18, 2016

Ms. Christy Dunkle
Assistant Town Manager/Planner
101 Chalmers Court, Suite A
Berryville, VA 22611

**RE: ROBERT REGAN VILLAGE SUP APPLICATION;
PRELIMINARY SITE PLAN REVIEW**

Dear Ms. Dunkle,

We have completed our review of the Preliminary Site Plan for Robert Regan Village. The Preliminary Site Plan identifies a 60 unit apartment complex, which is subject to the proposed Special Use Permit Application, as well as 44 quadraplex units on the adjoining acreage which are permitted by-right. As a general observation, we would note that the plan is preliminary in nature without final design details, so our review is limited to only that information provided.

We offer the following comments for your consideration:

Phasing

1. The plan provides a conceptual layout for multiple uses, with an apartment building requiring a special use permit, quadraplex units permitted by-right, and an assisted living facility proposed by others on an adjoining lot. The plan should identify phases of development and improvements proposed within individual phases of development.

Site Access and Transportation

2. Access to the site is proposed by an extension of Chamberlain Street as a private roadway as well as an interparcel connection to the adjoining parcel (TM 14A7-14-1) providing for access to Mosby Boulevard. It is not clear from the drawing if the off-site entrance to Mosby Boulevard is proposed as part of the project or if it is intended to be only a future condition.
3. Dimensions for the entrance roadways, parking lot drive aisles, and parking spaces are not provided.
4. With access provided to the site via private roadways, we would recommend that the plan specify a typical section for those improvements.
5. The plan appears to show sidewalks along Chamberlain Street, but no pedestrian access is identified to the off-site connection with Mosby Boulevard. We recommend more clearly identifying pedestrian access improvements.

Stormwater Management

1. The proposed improvements will require a stormwater discharge permit and the stormwater management plan will need to accommodate both quantity and quality requirements. The preliminary site plan does not include design information related to stormwater management. We recommend identifying a conceptual stormwater management plan for the project.

Site Utilities

1. No information is provided on the preliminary site plan regarding existing and proposed site utilities. We recommend identifying a conceptual layout for site utilities.

If you have any questions, please contact me at (540) 667-2139.

Sincerely,

PENNONI ASSOCIATES INC.

A handwritten signature in black ink, appearing to read "R. Mislowsky". The signature is stylized with a large initial "R" and a series of loops for the surname.

Ronald A. Mislowsky, PE

SECTION 614 - OLDER PERSON RESIDENTIAL (OPR)

614.1 PURPOSE AND INTENT

The Older Person Residential (OPR) District is created to provide for residential, office, and service uses for people over 55 years old at locations compatible with the Comprehensive Plan's goals for residential development in the Town of Berryville and within the precincts of the Berryville Area Plan. Maximum densities are established in this district to allow the various types of uses at a scale compatible with the general character of the Town and the nature of the uses. This district may be applied to development with the intent of preserving natural features and vegetation, promoting excellence in site planning and landscape design, and encouraging development with compatible scale, materials and architectural character. Development in the OPR District shall be sensitive to land physiography, provision of adequate public infrastructure, and development of high-quality transportation improvements while achieving optimal siting of dwellings, services, recreation areas, community facilities, and open space.

614.2 PERMITTED USES

- (a) Accessory structures less than one hundred fifty (150) square feet in size
- (b) Community buildings and association facilities, public and private, including recreation areas and other common area improvements associated with residential developments
- (c) Housing for Older Persons, Low Density: Single-Family Detached, Two-Family Detached (Duplex), Single-Family Attached (Triples and Quadplex - 3 to 4 attached residential units)
- (d) Public utilities
- (e) Recreation facilities (indoor or outdoor), including parks, playgrounds, golf courses, swimming pools, tennis courts, etc.

614.3 SPECIAL PERMIT USES

- (a) Day care centers
- (b) Government and other public buildings (including police, fire, library, museum, and postal facilities)
- (c) Housing for Older Persons, Medium Density: Single-Family Attached (Townhouses - 5 to 8 attached residential uses), Multi-family (including personal service uses of less than 500 square feet)
- (d) (Deleted 2010)
- (e) Medical care facilities, licensed
- (f) Places of worship
- (g) Schools, public and private, including nurseries, playgrounds, and related uses

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614.4 AGE REQUIREMENT

An age restriction enforcement plan shall be submitted with each subdivision or site plan application so as to ensure that all occupants of dwelling units conform to the age restrictions established for Housing for Older Persons. Such enforcement plans shall include:

- (a) the covenants, management regulations, or other similar legal instruments with enforcement by the property owner, homeowners association, or other private entity;
- (b) the identity of the private entity which shall be held responsible for any violation of the age restrictions for Housing for Older Persons;
- (c) a provision for an annual report to the Town of Berryville as to age status of the occupants of each unit; and
- (d) a provision which states that no person under nineteen (19) years of age shall reside in any unit for more than ninety (90) days in any calendar year.

614.5 MAXIMUM DENSITY

A Master Plan shall be submitted with a request for OPR zoning showing a general arrangement of uses and density for the subject property and all adjacent areas intended for OPR uses. The Master Plan shall show that the public service needs are no greater for the OPR uses than the public service needs for the uses planned for that sub-area. The number of average daily vehicle trips generated, the amount of sewage generated, the amount of water used, and demand on emergency services will be no greater with the proposed number of older person residential units and service uses than that generated by the maximum density of uses allowed by a property's land use designation. However, not more than three hundred (300) Older Person Residential units (including not more than one hundred twenty (120) multifamily units) shall be allowed in Annexation Area B as shown on approved subdivision plats or site plans.

614.6 MINIMUM DISTRICT SIZE

Minimum district size: three (3) acres

614.7 MAXIMUM BUILDING HEIGHT

Maximum building height: forty (40) feet

614.8 REGULATIONS FOR SINGLE FAMILY DETACHED DWELLINGS

- (a) Minimum lot size: 7,500 square feet
- (b) Minimum lot width: 60 feet
- (c) Minimum yard requirements
 - (1) Front Yard: 20 feet
 - (2) Side yard: 10 feet, except for corner lots, the side yard facing the side street shall be 20 feet or more for both main and accessory buildings
 - (3) Rear yard: 40 feet

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- (d) Accessory structures of less than
150 square feet: 5 feet from side and rear lot lines
- (e) Parking Requirements
The number of required off-street parking spaces shall be a total of 2 per unit.

614.9 REGULATIONS FOR TWO FAMILY DETACHED (DUPLEX) DWELLINGS

- (a) Minimum lot size: 10,000 square feet for total duplex structure
4,500 square feet each separate unit within a duplex
- (b) Minimum lot width: 75 feet per duplex structure
35 feet for each unit of a duplex.
- (c) Minimum yard requirements
 - Front yard: 20 feet
 - Side yard: 10 feet, except for corner lots, the side yard facing
the side street shall be 20 feet or more for both main
and accessory buildings.
 - Rear yard: 40 feet
- (d) Accessory structures of
less than 150 square feet: 5 feet from side and rear lot lines
- (e) Where a lot is to be subdivided into individual lots for the sale of single-family
attached units, lot lines shall conform with party wall centerlines.
- (f) Maximum lot coverage: 35 percent
- (g) Open Space Requirements
 - 1. An open space plan shall be submitted with a subdivision application.
 - 2. At least 10% of the net site area shall be open space dedicated to common
usage and ownership.
 - 3. Refer to Section 615.2 regarding critical environmental area and open space
requirements
- (h) Parking Requirements
The number of required off-street parking spaces shall be a total of 2 per unit.

614.10 REQUIREMENTS FOR SINGLE FAMILY ATTACHED DWELLINGS (TRIPLEX & QUADPLEX AND TOWNHOUSES, 5 TO 8 UNITS PER STRUCTURE)

- (a) Minimum lot area per dwelling
 - Interior lot: 2,000 square feet
 - Corner lot: 2,400 square feet
 - Condominium: Not regulated
- (b) Minimum lot width
 - Interior lot: 20 feet
 - Corner lot: 35 feet
 - Condominiums: subject to site plan review and
applicable performance zoning criteria
- (c) Minimum yard requirements
 - Front yard: 15 feet
 - Side yard: 15 feet
 - Rear yard: 30 feet

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- (d) No side yard requirement shall be applied where dwellings share a party wall.
- (e) Accessory structures of less than 150 square feet: 5 feet from side and rear lot lines.
- (f) Where a lot is to be divided into individual lots for the sale of single family attached dwelling units:
 - 1. Lot lines shall conform with party wall centerlines.
 - 2. Privacy yard, having a minimum of two hundred (200) square feet, shall be provided on each lot.
 - 3. Privacy yards shall include screening, fencing, patio paving and/or special landscaping treatment.
- (g) Open Space Requirements
 - 1. An open space plan shall be submitted with a site plan application.
 - 2. 25% of the net site area shall be open space dedicated to common usage and ownership.
 - 3. At least 20% of the required open space (5% of the net site area) shall be designed and developed as recreational and active community open space.
 - 4. Refer to Section 615.2 regarding critical environmental area and open space requirements.
- (h) Site Plan Requirements
 - 1. A site plan, which shall govern all development, shall be submitted for approval per Section 6.
 - 2. Site plans shall include provisions for:
 - A. Adequate public facilities, development phasing.
 - B. Storm water management facilities to address the ultimate development coverage within the district, lighting and signing.
 - C. Building placement and lot configuration, screening, buffering, and landscaping, and other special site features and land use considerations deemed necessary to serve the district.
 - D. Any site plan application which is not in strict conformance with a pre-existing approved master plan for the district shall require an amendment to that master plan and preliminary plat, if necessary, prior to site plan approval of the specific use.
 - E. All uses shall be subject to final site plan approval.
- (i) Parking and parking access
 - 1. The number of required off-street parking spaces shall be a total of 1.5 per unit and shall be located not more than one hundred (100) feet from the individual dwelling served.
 - 2. Parking bays shall be no closer than twelve (12) feet to any adjoining property line.
 - 3. Off-street parking spaces shall be accessed via private driveways and shall not be directly accessed from public rights of way.
- (j) Driveways
 - 1. Attached dwelling units shall have access to a private driveway with a minimum width of twenty-three (23) feet. The paved street shall be constructed according to Virginia Department of Transportation standards.

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2. No attached dwelling unit may be accessed directly from a public street unless approved by a special use permit.
 3. No private driveway shall be located within twelve (12) feet of any property line.
- (k) Setback, yards, buffering, separation and grouping of units
1. Where adjacent properties are zoned to a district other than the OPR District, all single family attached dwellings shall be set back at least forty (40) feet from the common property line(s).
 2. Where single family attached dwellings are adjacent to a private drive, parking area, and/or walkway intended for the common use of the development's occupants, there shall be a minimum building setback of 15 feet from that drive, area, and/or walk.
 3. Adjacent groupings of single family attached dwellings with their accompanying lots shall be separated from one another by a minimum of fifteen (15) feet. This separation shall allow an unobstructed fire lane on all sides of the structure.
 4. No more than four attached dwellings shall be included in any one physically contiguous grouping.
- (l) Maintenance of improvements, covenants and required improvements
1. All common improvements (including open space, recreational facilities, private streets, walkways, parking areas, and other community facilities) shall be maintained by and be the sole responsibility of the property owner until such time as the owner conveys such common area to a nonprofit (homeowner's) entity consisting of at least all of the individual owners of the dwelling units in the development.
 2. Deed restrictions and covenants shall be included with the conveyance to include, among other things, that assessments, charges and costs of maintenance of such common areas shall constitute a pro-rate share lien upon the individual dwelling lots, such lien inferior only to taxes and recorded trusts. Covenants shall specify the means by which the nonprofit entity shall govern and manage itself and maintain building exteriors, landscaping, lighting, recreation areas, walkways, parking areas, snow removal, and travel ways.
 3. All deed restrictions, covenants, nonprofit (homeowner's) entity incorporation documents, and information related to conveyance programs shall be submitted with the plat and plans, and reviewed by the Berryville Town Attorney.
- (m) General Regulations
1. All refuse shall be contained in completely enclosed and screened facilities.
 2. On-site lighting, signing, and mailboxes shall be of compatible scale, materials, and colors to the primary structures.
- (n) Condominiums
1. Any condominium development under the Condominium Laws of Virginia shall be subject to the following provisions:
 - A. Minimum lot size and yard and open space requirements of the district shall be met as if lot lines existed.

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- B. A site plan shall be required and subject to review by the Berryville Area Development Authority. The site plan shall govern the location of all structures and improvements.
- C. Setbacks, density and other district provisions shall be met.

614.11 REGULATIONS FOR MULTI-FAMILY AND NON-RESIDENTIAL USES:

- (a) Maximum Floor Area Ratio (FAR): .60 of net developable area
- (b) Minimum lot area: 20,000 square feet
- (c) Minimum lot width: 100 feet
- (d) Minimum yard requirements
 - Front yard: 25 feet
 - Side yard: 25 feet
 - Rear yard: 25 feet
- (e) Where a lot is contiguous to a property located in any residential district, a public right of way with limited access or a railroad right of way, all buildings shall have minimum setback of forty (40) feet from common property lines.
- (f) Open Space
 - 1. A landscape and buffer plan shall be submitted with any application for site plan approval.
 - 2. At least twenty-five percent (25%) of the gross site area shall be landscaped open space.
 - 3. Refer to Section 615.2 regarding critical environmental area and open space requirements.
- (g) Site Plan Requirements
 - 1. A site plan, which shall govern all development, shall be submitted for approval per Section 6.
 - 2. Site plans shall include provisions for:
 - A. adequate public facilities, development phasing, stormwater management facilities to address the ultimate development coverage within the district, lighting and signing, building placement and lot configuration, screening, buffering, and landscaping, and other special site features and land use considerations deemed necessary to serve the district.
 - 3. Any site plan application which is not in strict conformance with a pre-existing approved master plan for the district shall require an amendment to that master plan and preliminary plat, if necessary, prior to site plan approval of the specific use.
 - 4. All uses shall be subject to final site plan approval.
- (h) Parking Access and Private Drives
 - 1. A minimum of one parking space per unit shall be provided and shall be located not more than one hundred (100) feet from the individual dwelling served.
 - 2. Off-street parking spaces shall be accessed via private driveways and shall not be directly accessed from public rights of way.
 - 3. Parking bays and private drives shall be no closer than twelve (12) feet to any adjoining property line.

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- (i) Buffering and Landscaping
 1. Where a parcel is contiguous to a residential zoning district or public right of way with limited access, a landscaped buffer strip fifteen (15) feet in width shall be provided.
 2. Landscape materials and their placement shall be subject to final site plan approval. With the approval of the administrative body, walls, fences, or wider buffer strips may be used in lieu of landscaping.
- (j) Storage of Materials and Refuse
 1. All refuse containers shall be screened by a solid wall or fence.
 2. Any establishment involved with the storage of any fuel for sale, for on-site use, or for any other purposes, shall be permitted only if the fuel is stored underground, except where otherwise permitted under provisions granted and stipulations required by the administrative body.
 3. All storage shall be conducted within the principal structure, which is to be completely enclosed.
 4. There shall be no outdoor storage and/or display of goods, with the exception of retail display such as plant materials associated with nurseries.
- (k) Uses, Facilities, and Improvements
 1. All business services (and storage) shall be conducted within the principal structure which is to be completely enclosed.
 2. Signing, mailboxes, site lighting and architectural materials shall be provided and installed by the property's owner-developer and shall be consistent and compatible with the scale and character of the development.
 3. Private driveways, street lighting, sidewalks, curbing and gutters, and parking bays shall be constructed to standards specified by the administrative authority or its agent.

Section 502 – Certificate of Occupancy

- 502.2** Prior to the issuance of a Certificate of Occupancy for a new structure, the Zoning Administrator will verify that all property corners have been set with permanent markers by a land surveyor licensed under the laws of the Commonwealth of Virginia. **(11/00)**
- 502.3** In addition to any other requirements for the issuance of a Certificate of Occupancy, a Certificate of Occupancy for a structure will not be issued unless (1) the structure is served by public water and sewer, (2) required curb and gutter and sidewalks are in place on the lot on which the structure is located and in place between said lot and an existing publicly maintained street, (3) a functional fire hydrant is located within three hundred (300) feet of the lot on which the structure is located, and (4) the lot on which the structure is located fronts on an existing publicly maintained street or street meeting Town requirements for a publicly maintained street. **(8/01)**
- 502.4** In addition to any other requirements for the issuance of a Certificate of Occupancy, after issuance of certificates of occupancy for structures on eighty percent (80%) of the lots in a section of a subdivision, a Certificate of Occupancy for a structure in the section will not be issued unless all public improvements in the section have been completed to Town requirements and all streets have been accepted for maintenance by the Virginia Department of Transportation (VDOT), or a complete application for acceptance thereof has been filed with VDOT. **(8/01)**
- 502.5** Upon written application, delayed installation of public improvements described in 502.3 and 502.4 may be considered by the Zoning Administrator. Approval of the application shall only be granted by the Zoning Administrator after consultation with the respective departments or agencies charged with the inspection, acceptance, and maintenance of the improvements, and only upon a further finding that the delayed installation will not be detrimental to the safety and welfare of the residents in the subdivision and the public. A written request for such delayed installation shall set forth the specific improvements sought to be delayed, the justification for the delay, and a committed date for completion of the improvements. A fifty-dollar (\$50.00) fee shall be paid with the request. If the Zoning Administrator approves the application for delayed installation of public improvements, the approval shall be subject to the applicant executing an agreement to hold harmless the town for any loss or liability occasioned by the lack of the improvements delayed. **(8/01)**

SECTION 503 - SPECIAL USE PERMIT

503.1 PROVISIONS FOR SPECIAL USE PERMITS

- (a) In consideration of an application filed with the Zoning Administrator, the Council may, after a public hearing, authorize the establishment of those uses that are expressly listed as Special Permit uses in a particular zoning district.
- (b) In addition to all applicable conditions and requirements of this Ordinance, the Council may impose any conditions deemed appropriate in the public interest to secure compliance with the provisions of this Ordinance.
- (c) Once a Special Use Permit is granted, the use shall not be enlarged, extended, increased in intensity or relocated unless authorized by the Council.

- (d) Whenever a Special Use Permit is granted by the Council, the authorized activities shall be established within two (2) years of the date of approval with an extension of one (1) additional year with Council approval, or such Special Use Permit shall expire without notice. **(4/08)**
- (e) Should the owner or operator of the use covered by the Special Permit fail to observe all requirements of law with respect to the maintenance and conduct of the use and all permit conditions, the Council may, after due notice to permit holder and a public hearing, revoke the Special Use Permit.

503.2 APPLICATIONS

An application for a Special Use Permit may be submitted by the property owner of record, tenant, or contractor owner.

503.3 APPLICATION REQUIREMENTS

Applications for Special Use Permits shall be accompanied by seven (7) copies of the following items:

- (a) Letter of request, signed by property owner and applicant, outlining complete details of special use desired.
- (b) Site development plan.
- (c) Floor plan, front, side, and rear elevations of proposed new buildings.
- (d) Certified house location plat.
- (e) Information deemed necessary by the Zoning Administrator.
- (f) Applicable filing fee.

503.4 APPLICATION PROCEDURE

- (a) Application submitted to Zoning Administrator, which shall be referred to the Planning Commission for recommendation, and a public hearing shall be scheduled by the Town Council.
- (b) Review by the Planning Commission (public hearing if desired) and recommendation to Town Council.
- (c) Public hearing by Town Council.
- (d) Town Council action (In acting upon the application, the Town Council shall consider the following, among other relevant factors):
 - 1. The health, safety, and welfare of the general public.
 - 2. Physical and visual impact on adjoining and abutting properties.
 - 3. Adequate utilities, drainage, parking, and other necessary facilities to serve the proposed use.
 - 4. Compliance with the adopted master plan.
 - 5. Environmental compatibility.
 - 6. Community sentiment.
- (e) Applicant to be notified by Zoning Administrator of Town Council action.

LAND USE APPLICATIONS/ACTIONS
ON LAND IN ANNEXATION AREA B

I. Land Located in the County

<u>Application</u>	<u>Review/Action By</u>	<u>Applicable Ordinance</u>	<u>Reference</u>
Subdivision	BADA	Town S.O.	- Annexation Agreement ¶6(a) - BADA Agreement ¶5
Site Plan	BADA ¹	County Z.O.	BADA Agreement ¶s 5 and 6
Rezoning	BADA and Town P.C. recommend County BOS acts	County Z.O.	Annexation Agreement ¶6(b) County Z.O. §8-D-3
Special Use Permit	BADA and Town P.C. recommend County BOS acts	County Z.O.	Annexation Agreement ¶6(b) County Z.O. §5-B-2-d
Historic District	BADA (appeals to County BOS)	County Z.O. (Historic Access Corridor Overlay District)	- BADA Agreement ¶6 - County Z.O. §3-B-4-b

¹ The Town and County Zoning Ordinances each require site plan to be submitted with a SUP application, and each requires a site plan submitted with a SUP application to be acted upon by the governing body, as a separate approval. Therefore, under the existing BADA Agreement provisions, as to a site plan submitted with a SUP application, the BADA makes a recommendation on the site plan, the applicable Planning Commission make a recommendation on the SUP, and the governing body acting on the SUP takes action on the site plan as a separate approval.

II. Land Located in the Town

<u>Application</u>	<u>Review/Action By</u>	<u>Applicable Ordinance</u>	<u>Reference</u>
Subdivision	BADA	Town S.O.	BADA Agreement ¶5
Site Plan	BADA ¹	Town Z.O.	BADA Agreement ¶5
Rezoning	Town P.C. recommends Town Council acts	Town Z.O.	
Special Use Permit	Town P.C. recommends Town Council acts	Town Z.O.	
Historic District	BADA ² (appeals to Town Council)	Town Z.O. (Historic District)	BADA Agreement ¶5 Town Z.O. §704.1

¹ The Town and County Zoning Ordinances each require site plan to be submitted with a SUP application, and each requires a site plan submitted with a SUP application to be acted upon by the governing body, as a separate approval. Therefore, under the existing BADA Agreement provisions, as to a site plan submitted with a SUP application, the BADA makes a recommendation on the site plan, the applicable Planning Commission make a recommendation on the SUP, and the governing body acting on the SUP takes action on the site plan as a separate approval.

² Action by the BADA is limited to those properties for which no final certificate of occupancy has been granted. Otherwise, the matter goes to the Town Architectural Review Board.

III. Berryville Area Plan (BAP) Review and Approval

<u>Review/Action By</u>	<u>Reference</u>
BADA recommends BOS and Town Council approval	-BADA Agreement - 2008 Amendment -Annexation Agreement - ¶6(a)

BERRYVILLE TOWN COUNCIL
Tuesday, August 11, 2009
Berryville-Clarke County Government Center
Regular Meeting
7:30 p.m.

MINUTES

Roll:

Town Council:

Present: Wilson Kirby, Mayor; Harry Lee Arnold, Jr., Recorder; Mary Daniel; Allen Kitselman; Lawrence Russell, III

Staff: Keith Dalton, Town Manager; Christy Dunkle, Town Planner/Assistant Town Manager; Neal White, Chief of Police; Dave Tyrrell, Director of Utilities; Celeste Heath, Town Clerk

Press: Val Van Meter, Winchester Star

1. Reflections on the life of Gail Smith:

The Town Council, staff and citizens shared thoughts on the life of Council member Gail Smith.

2. Public Hearings:

Mayor Kirby opened the following public hearing at 7:40 p.m.:

Virginia United Methodist Housing Development Corp., Contract Purchaser, (A.C. Echols, Agent for Contract Purchaser) is requesting a contingent conditional rezoning for 12.32 acres currently zoned B Business and DR-4 Detached Residential-4 to OPR Older Person Residential zoning district on a portion of the parcel identified as 14A7-14-1. RZ 02-09

Council member Kitselman recused himself and left the meeting room at 7:40 p.m.

Fern Walker, Property Manager, Mary Hardesty House, 218 Mosby Boulevard, spoke in favor of the application under consideration. She said that there is a need to serve the aging population and that there is a waiting list at Mary Hardesty House.

Alton Echols, agent for the applicant, spoke in favor of the application. He spoke about the history of the Mary Hardesty House and Mayfair projects. He discussed the issue of private versus public roads around the existing and the proposed senior housing projects.

Recorder Arnold asked about the construction recommendations made by Enders Fire Company. Mr. Echols said that all future Methodist housing projects will have a third stairway because of the Ender's recommendations. He said that because of those suggestions, there will be steel in the concrete stairways, steel or metal studs instead of conventional two by fours and the drywall will be more fire resistant.

Council member Daniel asked if there were any questions about the proffer revisions. Ms. Dunkle said that all the proffers were reviewed by the town's attorney.

Upon motion by Council member Daniel, seconded by Council member Russell, the public hearing was closed at 8:03 p.m.

Mayor Kirby opened the following public hearing at 8:03 p.m.:

Virginia United Methodist Housing Development Corporation (Battlefield Center Trust, A.C. Echols, Trustee) is requesting approval of a Special Use Permit under Section 614.3(c) of the Town of Berryville Zoning Ordinance in order to develop a 60-unit multi-family age restricted senior apartment complex on a portion of the property identified as Tax Map Parcel number 14A7-((14))-1 currently zoned Business (B) and Detached Residential-4 (DR-4) with Older Person Residential (OPR) zoning currently under consideration. SUP 03-09

Patrick Yoder, 313 Jackson Drive, said that he is still trying to understand a compelling reason to rezone the property in question and that this has become a referendum on senior housing, not a consideration of rezoning. He asked if this project serves the people of Berryville. He said that the project would increase traffic in Battlefield Estates and stress emergency services even with the proffers and he wondered if this will cause taxes to increase. He asked the council to turn down the rezoning request for the project because the costs outweigh the benefits to the citizens of Berryville.

Carol Brophy, 300 Early Drive, asked that the Town Council approve the Special Use Permit without conditions. She said that the roads issue may have to be addressed if the VUMHDC builds townhouses but that they can't afford to build roads for this project now. She said that several recently approved projects in town do not have an emergency exit. She asked the council to ignore staff recommendations for adding conditions to the Special Use Permit. She said that the traffic impact will not be much and that she doesn't see much traffic in the neighborhood.

Sharon Strickland, 312 Early Drive, presented a PowerPoint presentation prepared by Reverend Dan Garrett about the project under consideration. She asked the Town Council to make the vision a reality and bring good people to town.

Alton Echols said that this use has a significantly lower impact on traffic and emergency services than other potential uses for the property. He requested that the Town Council accept the recommendations of the Berryville Planning Commission in regard to this project. He said that you can't gauge a development by whether it serves local people, it is not the American way.

Council member Daniel asked Mr. Echols if the section about driveways in his handout is applicable to the development under consideration. He said yes and gave a definition of "driveway" and how it relates to the proposed development. Council member Daniel asked if that is the standard we are looking at for driveways. Ms. Dunkle said that the master development plan showed townhouses and as far as she is concerned there is a

design option to put a driveway to the left or right of the development. Ms. Dunkle said that the key is that the site must have adequate access.

Upon motion by Council member Russell, seconded by Council member Daniel, the public hearing was closed at 8:34 p.m.

Mayor Kirby opened the following public hearing at 8:34 p.m.:
Virginia United Methodist Housing Development Corp. (Contract Purchaser) (A.C. Echols, Agent for Contract Purchaser) is requesting approval of a Preliminary Site Development Plan as a part of a Special Use Permit application in order to develop a 60-unit multi-family senior apartment complex consisting of 4.34 +/- acres on a portion of the property identified as Tax Map Parcel number 14A7-((14))-1 currently zoned Business (B) and Detached Residential-4 (DR-4). A Rezoning to Older Person Residential (OPR) zoning is currently under consideration. SP 02-09

Alton Echols quoted state code in support of his belief that McClellan and Chamberlain are not in the state system until there is a third user.

Upon motion by Council member Russell, seconded by Council member Daniel, the public hearing was closed at 8:39 p.m.

3. Call to Order: Wilson Kirby, Mayor

Mayor Kirby called the regular session to order at 8:39 p.m.

4. Approval of Minutes:

July 14, 2009

Upon motion by Recorder Arnold, seconded by Council member Daniel, the minutes of the July 14, 2009 meeting were unanimously approved. Council member Kitselman was absent for the vote.

Council member Kitselman returned to the meeting room at 8:40 p.m.

5. Citizen's Forum:

There was no citizen comment.

6. Report of Mayor: Wilson Kirby

Mayor Kirby thanked the town staff and Berryville Main Street for their help with Ms. Smith's memorial service and reception.

7. Planning and Zoning Matters: Christy Dunkle

Consideration of Public Hearings: Rezoning, Special Use Permit, Preliminary Site Development Plan for Virginia United Methodist Housing Development Corp., Contract Purchaser, (A.C. Echols, Agent for Contract Purchaser)

Consideration of Public Hearing: Rezoning for Virginia United Methodist Housing Development Corp., Contract Purchaser, (A.C. Echols, Agent for Contract Purchaser)

Council member Kitselman recused himself and left the meeting room at 8:42 p.m.

Mayor Kirby said that this application has been before the council before and asked if the council had any further questions. There were no questions.

It was moved by Council member Daniel, seconded by Council member Russell that the Council of the town of Berryville approve Rezoning Application RZ 02-09 to rezone the property from Business (B) and Detached Residential-4 (DR-4) to Older Person Residential (OPR) with the proffers set forth on the Proffer Statement having the last revision date of August 4, 2009, and that the Proffer Statement is made a part of the minutes of this meeting, and, further, that since the property which is the subject of this rezoning does not yet exist as a separate parcel of record, that this rezoning be effective upon recordation in the Clarke County land records of the Boundary Line Adjustment plat creating this plat which was approved by the Berryville Area Development Authority on May 27, 2009.

Council member Daniel said that the Town Council is familiar with DR-4 zoning and has reviewed this rezoning request thoroughly. She said that she believes that this change is appropriate and is a positive use of the property.

VOTE:

Recorded Vote:

Ayes:

Wilson Kirby, Mayor
Harry Lee Arnold, Jr., Recorder
Mary Daniel
Lawrence Russell, III

Nays:

None

Absent During Vote:

Allen Kitselman

August 4th, 2009

Mayor Wilson Kirby
Members: Berryville Town Council
Ms. Christy Dunkle, Zoning Administrator
101 Chalmers Ct
Berryville, Va. 22611

Re: Conditional Rezoning with Proffers and Special Use Permit for 60 Multi-family Units

Dear Mayor Kirby, Town Council Members and Ms. Dunkle, Zoning Administrator

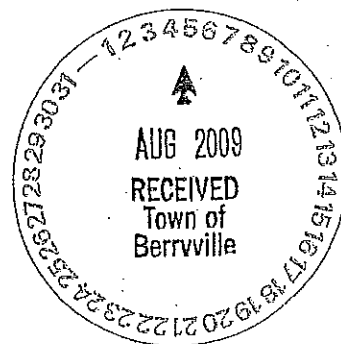
On July 23rd, 2009, a proposed Proffer Statement dated July 16th, was filed which incorporated all changes proposed by the Town Attorney in a letter dated July 10th, 2009. Enclosed you will find a revised Proffer Statement dated August 4th, 2009. This revised statement includes a revised Preliminary Site Plan submitted in conjunction with the Special Use Permit as Exhibit B. The revision was suggested by the BADA as a condition for recommendation of approval to the Town Council. As per attached "Exhibit B", you will note that an "Additional Emergency Access" has been included over an existing "Private Access Easement" connecting to McClellan Street.

Thank you for your time and consideration in this matter.

Respectfully,

A. C. Echols, Agent

A. C. Echols, Agent
Virginia United Methodist Housing



A PROPOSED PROFFER STATEMENT FOR BOTH A REZONING AND A "SPECIAL USE PERMIT"
PERMITTING 60 MULTI-FAMILY UNITS IN THE OLDER PERSON RESIDENTIAL (OPR) ZONE

REZONING: R.Z. # [B (11.37793A) and DR- 4 (0.93967A) to OPR]

PROPERTY: 12.31760 acres
Tax Map Parcel 14- 5-251B ("the Property")

SPECIAL USE PERMIT: 4.34 acres Preliminary Site Development Plan

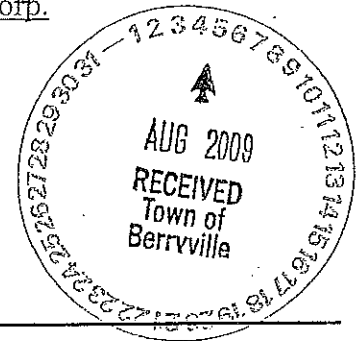
RECORD OWNER: A. C. Echols, Jr., Trustee of the Battlefield Center Trust ("Owner")

APPLICANT: Virginia United Methodist Housing Development Corp.

PROJECT NAME: "Robert Regan House"

ORIGINAL DATE
OF PROFFERS: May 4, 2009

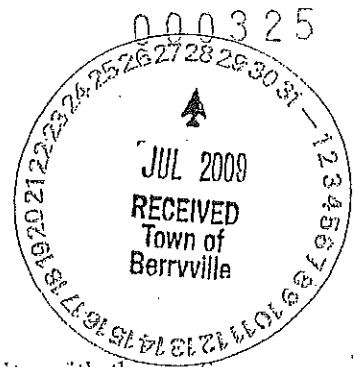
REVISION DATE(S): July 9th, 2009 July 16th, 2009, August 4th, 2009



The Recorded Owner hereby proffers that the use and development of the subject property ("Property"), as identified above, shall be in strict conformance with the following conditions, which shall supersede all other proffers that may have been made prior hereto. In the event that the above referenced "Rezoning" and "Special Use Permit" is not granted as applied for by the applicant ("Applicant") these proffers shall be deemed withdrawn and shall be null and void. Further, these proffers are contingent upon a final "Rezoning" with "Special Use Permit" approving 60 Multi-family units on the Property with a final "Rezoning" with "Special Use Permit" defined as that Rezoning with "Special Use Permit" which is in effect on the day following the last day upon which the Town of Berryville ("Town's") decision granting the "Rezoning" with "Special Use Permit" shall include the day following entry of a final court order affirming the decision of the Town which has not be appealed, or, if appealed, the day following which the decision has been affirmed on appeal.

The headings of the proffers set forth below have been prepared for convenience or reference only and shall not control or affect the meaning or be taken as an interpretation of any provision of the proffers. The improvements proffered herein shall be provided at the time of development of that portion of the Property adjacent to or including the improvement or other proffered requirement unless otherwise specified herein. The term "Applicant" and "Recorded Owner" as referenced herein shall include within its meaning all future owners and successors in interest. The Record Owner hereby proffers as follows:

Proffers



1. Master Development Plan

1.1 The development of the Property shall be in substantial conformity with the portion of the Master Development Plan entitled "Robert Regan House" Master Development Plan" dated June 26, 2009, showing development on the Property, a copy of said Master Development plan being attached hereto as Exhibit A, subject to revisions which may be approved by the Town in final site plan review and approval.

2. Land Use Restrictions

2.1 Multi-family residential uses on the Property, pursuant to an approved Special Use Permit, shall not exceed sixty (60) units and shall be limited to an area containing 4.34 +/- acres subject to revisions which may be approved by the Town in final Site Plan review, as delineated on a Preliminary Site Plan submitted in conjunction with the Special Use Permit attached hereto as Exhibit B.

3. Real Estate Tax

3.1 The Owner, and the Owner's successors and assigns, shall pay the usual and customary real estate tax to the Town and the County based upon the full real estate tax assessment of the localities and the prevailing tax rate in each locality.

3.2 Neither the Owner nor the Applicant, nor their successors or assigns, shall seek any exemption for the Property from real estate taxation by classification or designation pursuant to Chapter 36 of Title 58.1 (Sec58.1-3600, et seq.) of the Code of Virginia, or otherwise, and further, the Owner, and the Owner's successors and assigns, shall pay the annual real estate tax as set forth in 3.1, above, notwithstanding any such exemption which may have been granted or obtained.

4. Cash Proffers

4.1 Prior to the issuance of a building permit for multi-family residential units on the property, the Recorded Owner shall pay to the Town, for fire and rescue purposes, a sum equal to One Thousand Two Hundred Fifty Dollars (\$1,250.00) per unit for the total number of multi-family units shown on the applicable approved final site plan.

5. Reversion of Zoning

5.1 Unless extended by mutual consent of the Owner/Applicant and the Town of Berryville, if a building permit is not obtained by the Applicant before August 30th, 2011, for the construction of an older person residential structure on the Property, the OPR zoning on the Property shall revert to the existing B (11.37793 acres) and DR-4 (0.93967 acres) by motion adopted by Town Council, or, if Council shall elect to initiate a formal rezoning of the property after August 30th, 2011

Owner and Applicant hereby irrevocably consent and waive any objection to the rezoning of the property to the existing B and DR-4 zoning.

AGF
7/29/09

6. Deed

6.1 Any deed conveying the Property, or any portion thereof, from the owner of the Property at the time of final rezoning, shall affix as an attachment and incorporation into said deed, a full copy of these proffers in order to fully advise any subsequent purchaser of the proffered terms and conditions.

A.C. Echols, Jr. - Trustee

A. C. Echols, Jr., Trustee of the
Battlefield Center Trust

STATE OF VIRGINIA, At-Large

~~CITY~~/COUNTY OF Warren, To-wit:

The foregoing document was acknowledged before me this 28th day of July, 2009 by: A. C. ECHOLS, JR., TRUSTEE OF THE
BATTLEFIELD CENTER TRUST.

My Commission expires MY COMMISSION EXPIRES APRIL 30, 2011

James D. H. Darden
NOTARY PUBLIC

Notary Registration No.: 2238263

VIRGINIA UNITED METHODIST HOUSING
DEVELOPMENT CORPORATION

By: J. Robert Regan, Jr. ✓

STATE OF VIRGINIA, At-Large

~~CITY~~/COUNTY OF Orange, To-wit:

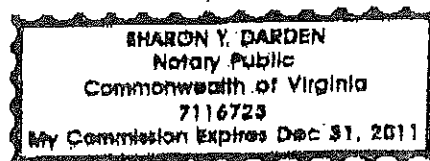
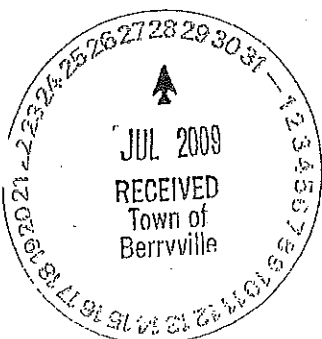
The foregoing document was acknowledged before me this 28th day of July, 2009,

By: J. Robert Regan, Jr., on behalf of VIRGINIA UNITED METHODIST
HOUSING DEVELOPMENT CORP.

My Commission expires 12-31-2011

Sharon Y. Darden
NOTARY PUBLIC

Notary Registration No.: 7116723



Consideration of Public Hearing: Special Use Permit for Virginia United Methodist Housing Development Corp., Contract Purchaser, (A.C. Echols, Agent for Contract Purchaser)

Ms. Dunkle explained that staff is recommending some conditions for the approval of the Special Use Permit under consideration. Mayor Kirby said that the council has had ample opportunity to review these recommendations.

Council member Daniel asked Ms. Dunkle about the staff and BADA recommendation that roads be built to VDOT standards. She said that she wanted to be clear that just because the roads are built to VDOT standards doesn't mean that they may not be private roads.

Mayor Kirby said that this is a normal requirement that streets be built to VDOT standards and that McNeil, McClellan and Chamberlain are built to those standards.

Council member Daniel asked staff about the legal connection between the parcel under consideration and Chamberlain and McClellan, which were approved in the Mary Hardesty House site plan. Mr. Dalton said that McClellan and Chamberlain will provide access to the site. He said that the BADA reviewed the site plan and recommends that there be two means of access to the site, thus the Chamberlain connection.

Mayor Kirby said that when Mary Hardesty was developed it was in the county and the roads were built to VDOT standards but not taken into the state system because there were not three users on those roads. He said that asking that these roads be built to VDOT standards makes sure that they will qualify for VDOT maintenance. He said that is why the conditions are being considered.

Alton Echols spoke about the road access issue and how it would be a financial burden to build 400 feet of public road. Mayor Kirby said that the conditions would not require building 400 feet of public road and that all the town is asking for is 60 feet of public road to get to the emergency access. Alton Echols argued the point with the Mayor.

Council member Daniel asked if staff is holding the applicant to a higher standard of completing Chamberlain to VDOT standards when a driveway would be acceptable. Ms. Dunkle said that if Chamberlain is not extended then a landlocked parcel with no access to a VDOT standard road is created. Recorder Arnold said that a private driveway does not provide adequate emergency access because they are much rougher than roads that are built to VDOT standards.

The following motion was made by Recorder Arnold, seconded by Council member Russell:

WHEREAS, Council has rezoned over 12 acres for Older Person Residential use; and

WHEREAS, this Special Use Permit is to permit the construction of up to 60 multi-family older person residential units on the property; and

WHEREAS, the public, health, safety, and welfare and good planning practices indicate that the proposed 60 unit multi-family older person residential units should have two points of access to a public street; and

WHEREAS, the Master Development Plan attached as an exhibit to the Rezoning Proffer Statement indicates the future construction of townhouses on the 12 acre parcel; and

WHEREAS, it is appropriate and advisable to consider future potential development on the 12 acre parcel to assure that public street access will be sufficient upon development of the property in the future; and

WHEREAS, the Berryville Planning Commission, the Berryville Area Development Authority, and the Planning Staff have recommended that the property be served by an extension of Chamberlain Drive to Mosby Boulevard.; and

WHEREAS, the completion of existing Chamberlain Drive and existing McClellan Street was required by the approved site plan for Mary Hardesty House, but the construction of those streets in a condition to be acceptable by VDOT into the State system has not been completed.

NOW, THEREFORE, I hereby move that Special Use Permit 03-09 be approved with the Conditions set forth on the written statement of Conditions attached to the Staff Report to Council, and that the Conditions to be made a part of the minutes of this meeting.

VOTE:

Recorded Vote:

Ayes:

Wilson Kirby, Mayor
Harry Lee Arnold, Jr., Recorder
Mary Daniel
Lawrence Russell, III

Nays:

None

Absent During Vote:

Allen Kitselman

CONDITIONS TO SPECIAL USE PERMIT

SUP-03-09

TAX MAP PARCEL NO. 14-5-251B

The following conditions shall apply to the Special Use Permit on Tax Map Parcel No. 14-5-251B, containing 12.31760 acres (as shown on the Boundary Line Adjustment plat of Urban, Ltd., dated May 4, 2009 and approved by the Berryville Area Development Authority on May 27, 2009) ("the Property"):

1. The multi-family older person residential use of the property pursuant to this Special Use Permit shall be limited to the 4.34 acre portion of the Property as delineated on an approved final site plan submitted in conjunction with this Special Use Permit, and shall not exceed sixty (60) units.

2. Approval of a final site plan which is in accordance with these conditions of the Special Use Permit.

3. Recordation of the Boundary Line Adjustment plat approved by the Berryville Area Development Authority on May 27, 2009, which includes the Property.

4. Completion of the construction of existing Chamberlain Drive to the west side of its intersection with McClellan Street to bring it into conformity with Town requirements and Virginia Department of Transportation (VDOT) Secondary Street Acceptance Requirements (SSAR) and in a condition to be acceptable by VDOT into the State system.

5. Completion of the construction of existing McClellan Street to bring it into conformity with Town requirements and VDOT Secondary Street Acceptance Requirements (SSAR) and in a condition to be acceptable by VDOT into the State system.

6. Dedication and construction of Chamberlain Drive, as a public street, in conformity with Town requirements and VDOT Secondary Street Acceptance Requirements (SSAR) and in a condition to be accepted by VDOT into the State system, from its intersection with McClellan Street to 60 feet west of the west boundary of the access drive to the proposed multi-family older person residential units, at the intersection of the access drive with the north boundary of the 4.34 acre site.

7. No Certificate of Occupancy shall be issued for the multi-family older person residential units on the 4.34 acre portion of the Property until there has been compliance with Conditions 1-6, above.

8. No Certificate of Occupancy shall be issued for any structure on the Property, other than the multi-family older person residential structures located on the 4.34 acre site constructed pursuant to this Special Use Permit, until Chamberlain Drive is dedicated and constructed as a public street, in conformity with Town requirements and VDOT Secondary Street Acceptance Requirements (SSAR) and in a condition to be accepted by VDOT into the State system, from its point of completion pursuant to Condition 4, above, to Mosby Boulevard, in the approximate location of the "private driveway" shown on the Master Development Plan attached as an exhibit to the proffers on the rezoning of the Property to Older Person Residential (OPR).

Consideration of Public Hearing: Preliminary Site Development Plan for Virginia United Methodist Housing Development Corp., Contract Purchaser, (A.C. Echols, Agent for Contract Purchaser)

Ms. Dunkle said that a final site plan and fees will still be required. Mr. Dalton noted that this preliminary site plan doesn't comply with the conditions of the previously approved Special Use Permit.

The following motion was made by Recorder Arnold, seconded by Council member Daniel:

As the Preliminary Site Plan before Council does not comply with the Conditions on the approved Special Use Permit, I move that action on the Preliminary Site Plan be continued to give the Applicant an opportunity to revise the Preliminary Site Plan to conform to the Conditions on the Special Use Permit, or, in the alternative, to submit a Final Site Plan which conforms to Town ordinances and the Conditions on the approved Special Use Permit.

It was further moved that any revised Preliminary Site Plan or any Final Site Plan submitted be referred to the Berryville Area Development Authority for its review and recommendation with final determination made by Town Council.

VOTE:

Recorded Vote:

Ayes:	Wilson Kirby, Mayor
	Harry Lee Arnold, Jr., Recorder
	Mary Daniel
	Lawrence Russell, III
Nays:	None
Absent During Vote:	Allen Kitselman

Council member Kitselman returned to the meeting room at 9:05 p.m.

8. Report of the Town Manager – Keith Dalton

Update on Clarke County High School

Superintendent Mike Murphy and the school's engineer, Jon Erickson were present. Mr. Murphy gave a presentation on the new high school to the council. He spoke about entrance issues that are being discussed with VDOT. Mr. Dalton said that he noticed that Mr. Murphy said "if Mosby Boulevard is built" and that he wants to make it clear that Mosby Boulevard is an important part of the high school plan. Mr. Erickson then spoke about entrance construction issues.

There was then a discussion about the School Board's proposed use of Tom Whitacre Circle and entrance options.

The council discussed the Mosby Boulevard project with Mr. Erickson.

Mayor Kirby recognized Robina Bouffault from the Clarke County School Board. She said that the intent is to let the Town Council see the school plan but to also get the council's opinion about the use of Tom Whitacre Circle. Mr. Dalton said that the Town Council has not had a chance to discuss the implications of the request. Council member Kitselman said he is amenable to the use of Tom Whitacre Circle personally but that the details need to be considered. Council member Daniel said that there would need to be an agreement but that she is not hearing anyone on the council saying "no".

There was a discussion with Jon Erickson about alternate entrance scenarios if Tom Whitacre Circle wasn't used. Mayor Kirby asked how much interruption would occur to the temporary road when the construction of Mosby begins. Mr. Erickson said that is a construction phasing issue and that is why VDOT has suggested an entrance on existing Mosby. Such an entrance wouldn't be disturbed during the construction of Mosby, he said.

There was a discussion about the suggested access at the end of existing Mosby Boulevard. Mr. Dalton said that council and staff have not had time to review the plan. Council member Daniel said that she doesn't have a problem putting out for public

May 2013 Town Council
minutes

11. **Action Item Special Use Permit -- Virginia United Methodist Housing**
Jon Erickson, PE, Applicant, is requesting a Special Use Permit under Section 614.3.c. of the Town of Berryville Zoning Ordinance in order to construct a 60-unit multi-family housing development for older persons at the property located on a portion of the parcel at 451 Chamberlain Street, identified as Tax Map Parcel number 14-5-251B zoned Older Person Residential (OPR).

Jon Erickson was present. Ms. Dunkle said that there was no public comment in the town office on this matter.

Ms. Dunkle said that the applicant submitted a new site plan on May 8 with the reservation for future Chamberlain Street removed. She said that neither the Planning Commission nor the BADA recommended approval of the applicant's request for waiver of the required urban street sections. She said that the applicant has withdrawn the request for the waiver and has removed the reservation for future Chamberlain Street and the portion of the street section from Mosby Boulevard. She noted that neither the BADA nor the Planning Commission has seen the site plan submitted on May 8.

Ms. Dunkle then reviewed proposed staff recommendations for Special Use Permit conditions.

The Mayor called for discussion and noted that the preliminary site plan on the table is not the same plan that was submitted to the BADA and the Planning Commission. He asked whether the Town Council should still move forward on the matter or ask those boards to reconsider.

Council member Kitselman said that the BADA and the applicant did discuss the option to change the preliminary plan to what was submitted on May 8.

The Mayor recognized the applicant. Mr. Erickson said that during the process with the BADA and Planning Commission, it became apparent that the waiver of urban curb and gutter section was not going to be approved and that he discussed removing the reservation for Chamberlain Street since they would not be building rural street sections.

Council member Shaffer said that the Planning Commission also discussed the changes on the May 8 plan as an option if the waiver of urban street sections was not granted.

There was a general discussion of the recommended conditions. Two minor changes were made to the draft conditions.

Mayor Kirby said that while he was concerned that the plan before the Town Council is different from the plan submitted to the BADA and Planning Commission he is now hearing that this plan was discussed by both boards as an alternative if urban street requirements were not waived. He noted that a right-of-way for Chamberlain would have to be dedicated before a building permit for the property to the north is submitted.

Council member Kitselman said it would be a reservation, not a dedication, which is not carved in stone. He said he understands the concern about the plan being different but feels the scenario was addressed by the BADA. Council member Shaffer said he couldn't speak for the entire Planning Commission, but that he recalls the scenario was discussed as an option if the waiver was denied.

Mr. Dalton asked Mr. Erickson about street lights on Chamberlain extended. Mr. Erickson said that the placement of street lights is a final site plan issue but that the preliminary plan does not show a street light at the intersection with Mosby. Mr. Dalton said that he thinks that the poor lighting at that intersection will be an issue and should be addressed on the final site plan.

Mayor Kirby said that he is comfortable moving along with this plan. Council members Kitselman and Shaffer both expressed that they are comfortable that this plan revision was discussed by both boards. Council member Kitselman said that the BADA expressed strong interest in seeing that Chamberlain is eventually built out.

Upon motion by Recorder Arnold, seconded by Council member Kitselman the Council of the Town of Berryville unanimously approved the following:

WHEREAS, this property (Tax Map Parcel no. 14-5-251B) was zoned Older Person Residential (OPR) in 2009; and

WHEREAS, this Special Use Permit is to permit the construction of up to 60 multi-family older person residential units on a 3.45 acre portion of the property; and

WHEREAS, it is appropriate and advisable to consider future potential development on the residual of the 10.98+/- acre parcel to assure that public street access will be sufficient upon development of that portion of the property in the future; and WHEREAS, the completion of existing Chamberlain Street and existing McClellan Street was required by the approved site plan for Mary Hardesty House, but the construction of those streets in a condition to be acceptable by the Town of Berryville into the public system has not been completed.

NOW, THEREFORE, I hereby move that Special Use Permit 01-13 be approved with the Conditions set forth on the written statement of Conditions attached to this motion, and that the Conditions to be made a part of the minutes of this meeting.

VOTE:

Recorded Vote:

Ayes:

Wilson Kirby, Mayor
Harry Lee Arnold, Jr., Recorder
Allen Kitselman
Douglas Shaffer
David Tollett
Mary Daniel

Nays:

None

Absent:

None

Abstain:

None

CONDITIONS TO SPECIAL USE PERMIT

SUP 01-13

TAX MAP PACEL NO. 14-5-251B

The following conditions shall apply to the Special Use Permit on Tax Map Parcel No. 14-5-251B, containing 10.97673 acres ("the Property") for Housing for Older Persons, Medium Density: Multi-family (including personal services uses of less than 500 square feet):

1. Approval and recordation of a subdivision plat creating a +/- 3.4 acre parcel, in substantial conformance to the Preliminary Site Plan prepared by Morris & Ritchie Associates, Inc. and dated May 1, 2013, prior to obtaining a building permit for the Housing For Older Persons, Medium Density pursuant to this Special Use Permit.
2. The Housing for Older Persons, Medium Density use of the Property pursuant to this Special Use Permit shall be limited to the aforesaid +/- 3.4 acre parcel.
3. The Housing for Older Persons, Medium Density, constructed pursuant to this Special Use Permit shall not exceed sixty (60) units.
4. Approval of a final site plan which is in accordance with these conditions of the Special Use Permit.
5. Dedication/Construction of Chamberlain Street as follows:
 - A. Complete construction of Chamberlain Street (labeled as McNeil Road on the plat by Ken W. Erickson, LS and recorded at DB 274 Page 299 with the Clarke County Circuit Court) to bring it into conformity with Town requirements and Virginia Department of Transportation (VDOT) Secondary Street Acceptance Requirements (SSAR) and in a condition to be acceptable by the Town of Berryville into its street system.
 - B. Dedicate and construct an extension of previously dedicated Chamberlain Street, as a public street, in conformity with Town requirements and VDOT Secondary Street Acceptance Requirements (SSAR) and in a condition to be accepted by the Town of Berryville into its street system, to +/- 400 feet west of its intersection with McClellan Street, as shown on the Site Plan prepared by Morris & Ritchie Associates, Inc. and dated May 1, 2013.
6. Completion of the construction of previously dedicated McClellan Street to bring it into conformity with Town requirements and VDOT Secondary Street Acceptance Requirements (SSAR) and in a condition to be acceptable by the Town of Berryville into its street system.
7. Sufficient performance surety for the street construction required in Condition Nos. 5 and 6 shall be posted with the Town before recordation of the subdivision plat referenced in Condition No. 1, in the same manner as provided in Article VII of the Subdivision Ordinance, to the extent not already posted.
8. Until Chamberlain Street is dedicated and constructed as a public street to connect with Mosby Boulevard, as set forth in Condition No. 10, below, a right of way shall be provided to the +/- 3.4 acre parcel to provide additional emergency services direct vehicular access to the +/- 3.4 acre parcels from Mosby Boulevard. The construction of the right of way shall be approved by the Town as sufficient for emergency services vehicular access. If the +/- 3.4 acre parcel is conveyed prior to the construction of Chamberlain Street as set forth in Condition No. 10, the +/- 3.4 acre parcel shall be conveyed together with said right of way. A fully executed access easement for the

aforesaid right of way, including a maintenance agreement to be recorded in the land records upon approval of the final Site Plan, shall be submitted to the Town of Berryville for the area identified as "25' Emergency Access Easement" located on the parcel adjacent to the proposed 3.45+/- acre parcel identified as Tax Map Parcel number 14A7-14-1 prior to approval of the final site plan in a form approved by the Town of Berryville.

9. No Certificate of Occupancy shall be issued under this Special Use Permit until there has been compliance with Conditions 1 – 8, above.

10. No Certificate of Occupancy shall be issued for any structure on the 5.66 acre +/- residue of the Property, as shown on the Preliminary Site Plan and Preliminary Record Plat by Morris and Ritchie Associates, Inc. both dated May 1, 2013 until Chamberlain Street is dedicated and constructed as a public street, in conformity with Town requirements and VDOT Secondary Street Acceptance Requirements (SSAR) and in a condition to be accepted by the Town of Berryville into its system, from its point of completion pursuant to Condition 5.B., above, to Mosby Boulevard, in the approximate location of the "25' Emergency Access" shown on the Preliminary Site Plan by Morris and Ritchie Associates, Inc. dated May 1, 2013 or in such other location as may be approved by the Town.

11. Special Use Permit 03-09 approved on August 11, 2009 is revoked with the approval of this Special Use Permit.

Report of the Planner

Street Banners

Ms. Dunkle said that Berryville Main Street and the Farmers Market at the behest of VDOT are asking the Town of Berryville to sign off as the applicant for the street banner project the groups have initiated. Mr. Dalton asked for guidance on the matter from the Town Council because signing off on this project would encumber the town with responsibility for any erosion and sediment control, work zone management during installation and removal, as well as insurance liability. He said that he is not concerned about the erosion and sediment control, because the project doesn't involve that type of work. He said that he believes that the town's insurance should cover liability. He said his biggest concern is the cost of work zone management.

Ms. Dunkle said that the original application has Berryville Main Street (BMS) signing off on the permits. Recorder Arnold said that the original intention of this project was to dress up the town but providing traffic control makes it cost prohibitive. He noted it would cost Berryville Main Street over \$1500 to provide traffic control. Mr. Arnold then asked how the town puts up the wreaths. Mr. Dalton said that this has never before been an issue when installing the wreaths. Ms. Dunkle said that VDOT stated that a permit for the banners would be good for any project throughout the year, so it would cover that installation as well. She acknowledged that VDOT permitting has not been an issue in the past when installing the wreaths.

Recorder Arnold asked if staff could go back to VDOT and find out what is behind this requirement. Mr. Dalton said that with Town Council permission, he would follow up with VDOT on the matter. The Mayor asked Mr. Dalton to see if he could resolve this issue.